

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JESSICA ADAMS,

Plaintiff,

vs.

No. CV 18-925 KG/GBW

C3 PIPELINE CONSTRUCTION,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE’S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PFRD”) (Doc. 60), recommending that the Court deny Plaintiff’s Rule 15 Motion to Correct the Name of Defendant C3 Pipeline and Request That Judgment Be Entered Under the Corrected Name (Doc. 58).

This case was referred to the Magistrate Judge to conduct hearings and perform legal analysis pursuant to 28 U.S.C. § 636(b)(1)(B), (b)(3) and *Va. Beach Fed. Sav. & Loan Ass’n v. Wood*, 901 F.2d 849 (10th Cir. 1990). *See* Doc. 59. The Magistrate Judge filed his PFRD recommending denial of Plaintiff’s motion on January 30, 2020. Doc. 60. Neither Plaintiff nor Defendant filed objections to the Magistrate Judge’s PFRD within the allotted time. Appellate review of this issue is therefore waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996).

Failure to object to the PFRD also waives the right to *de novo* review by the district court. *See id.* at 1060; *Thomas v. Arn*, 474 U.S. 140, 149–150 (1985). Nevertheless, the Court has decided, *sua sponte*, to conduct a *de novo* review of the Magistrate Judge’s findings in this case.

See One Parcel, 73 F.3d at 1061. The Court hereby concurs with all of the factual and legal conclusions recited therein.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 60) is ADOPTED. Plaintiff's Rule 15 Motion (Doc. 58) is DENIED. Should Plaintiff elect to do so, she may file a subsequent motion to amend her complaint with the desired correction of Defendant's name. However, such motion must be filed within seven days of the date of this Order and, if such motion is granted, Plaintiff is hereby alerted that the Court's Default Judgment as to Liability (Doc. 23) will be contemporaneously vacated.

A handwritten signature in black ink, appearing to read "Leonard H. Gonzales", written in a cursive style.

UNITED STATES DISTRICT JUDGE